

AF

150

**TRANSMITTAL
FORM**

FEB 24 2005

(to be used for all correspondence after initial filing)

		Application Number	08/869,589
		Filing Date	June 5, 1997
		First Named Inventor	Strolle
		Art Unit	2631
		Examiner Name	Burd, Kevin
Total Number of Pages in This Submission	SAR 12082		

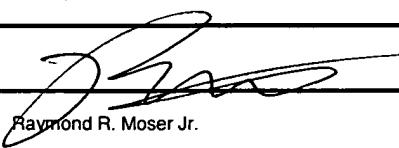
ENCLOSURES (check all that apply)

<input type="checkbox"/> Fee Transmittal Form	<input type="checkbox"/> Drawing(s)	<input type="checkbox"/> After Allowance Communication to TC
<input type="checkbox"/> Fee Attached	<input type="checkbox"/> Licensing-related Papers	<input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences
<input type="checkbox"/> Amendment / Reply	<input type="checkbox"/> Petition	<input checked="" type="checkbox"/> Appeal Communication to TC (Appeal Notice, Brief, Reply Brief)
<input type="checkbox"/> After Final	<input type="checkbox"/> Petition to Convert to a Provisional Application	<input type="checkbox"/> Proprietary Information
<input type="checkbox"/> Affidavits/declaration(s)	<input type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address	<input type="checkbox"/> Status Letter
<input type="checkbox"/> Extension of Time Request	<input type="checkbox"/> Terminal Disclaimer	<input type="checkbox"/> Other Enclosure(s) (please identify below):
<input type="checkbox"/> Express Abandonment Request	<input type="checkbox"/> Request for Refund	
<input type="checkbox"/> Information Disclosure Statement	<input type="checkbox"/> CD, Number of CD(s) _____	
<input type="checkbox"/> Certified Copy of Priority Document(s)	<input type="checkbox"/> Landscape Table on CD	
<input type="checkbox"/> Reply to Missing Parts/ Incomplete Application		
<input type="checkbox"/> Reply to Missing Parts under 37 CFR 1.52 or 1.53		

Remarks

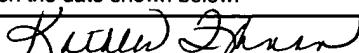
It is believed that no fee is required in this Reply. If I am mistaken and a fee is due, please charge the fee to Deposit Account 20-0782. To facilitate a charge a duplicate copy of this letter is enclosed.

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

Firm	Moser, Patterson & Sheridan LLP		
Signature			
Printed Name	Raymond R. Moser Jr.		
Date	2-22-05	Reg. No.	34,682

CERTIFICATE OF TRANSMISSION/MAILING

I hereby certify that this correspondence is being facsimile transmitted to the USPTO or deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date shown below.

Signature	
Typed or printed name	Kathleen Faughnan
Date	2-22-05

This collection of information is required by 37 CFR 1.5. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

RECEIVED

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

MAR 02 2005

Technology Center 2600



PATENT

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE BEFORE THE
BOARD OF PATENT APPEALS AND INTERFERENCES**

In re Application of: Stolle

8

Serial No.: 08/869,589

8

Group Art Unit: 2631

Confirmation No.: 5936

30

Examiner: Burd, Kevin M.

Filed: June 5, 1997

8

For: METHOD AND APPARATUS
FOR PERFORMING
BANDEDGE EQUALIZATION

卷之三

MAIL STOP APPEAL BRIEF - PATENTS
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

CERTIFICATE OF MAILING

37 CFR 1.8

I hereby certify that this correspondence is being deposited on
2-22-05 with the United States
Postal Service as First Class Mail in an envelope addressed
to: Commissioner for Patents, P.O. Box 1450 Alexandria, VA
22313-1450.

2-22-05
Date

Karen Dunn

Dear Sir:

REPLY BRIEF

Applicants submit this Reply Brief to the Board of Patent Appeals and Interferences on appeal from the decision of the Examiner of Group Art Unit 2631 dated April 27, 2004, finally rejecting claims 1, 9, 10, 12, 15, and 16.

342473-1

1

RECEIVED
MAR 02 2005
Technology Center 2600

ARGUMENT

A. 35 U.S.C. § 102 - Claim 1.

Simply stated, the Appellant's appeal rests on whether or not the Norrel et al. patent (U.S. patent no. 5,793,821) is deemed to specifically teach or suggest that the bandedge amplitudes are made to have equal amplitudes. The Appellant does not believe such teaching is evident in Norrel.

In the prior Decision on Appeal, the Board deemed that Norrell's method and apparatus for compensating for amplitude distortion in an entire broadband signal will result in compensation (adjustment) of the bandedges that are part of the signal. Thus, some of the prior claims of Appellant's application were found unpatentable in view of Norrell et al. The Appellant amended the claims to specifically recite that the Appellant's invention causes the amplitudes of the bandedges to be equal. In short, Norrell et al. does not specifically teach that the bandedges are to have equal amplitudes.

However, in the Board's prior decision, the Board made the statement that "Amplitude equalization means attenuating or amplifying to make amplitudes equal." (Decision on Appeal, page 8, lines 3-4) This dicta has been used by the Examiner, as discussed below, as the basis for rejecting the Appellant's current claims. The Appellant argues below that Norrell et al. does not teach or suggest a method or apparatus that makes the amplitude of each bandedge equal. As such, the Appellant requests that the Board clarify their prior decision in view of the Appellant's amended claims and agree that Norrell et al. does not teach making the bandedge amplitudes equal.

The cited section (Norrell, column 9) is directed to channel equalization and not the specific adjustment of bandedges of a broadband signal in response to a control signal such that the amplitudes of the bandedges are made equal. Channel equalization generally involves equalization of the entire frequency response and, as such, is not the same as adjusting bandedges such that the amplitudes of the

bandedges are made equal. The purpose of the cited section was to clarify the advantage of sharply attenuating the midband, i.e., the region between the LBEF and the UBEF, in Norrell. Moreover, the cited section is devoid of any teaching of an adjustment of bandedges to make them have equal amplitude in response to a control signal, as generated by the bandedge filter and bandedge signal processor in Appellant's invention. Thus, the cited section does not teach adjusting amplitudes of the bandedges of a broadband signal such that the amplitudes of the bandedges are made equal as in claim 1 of Appellant's invention.

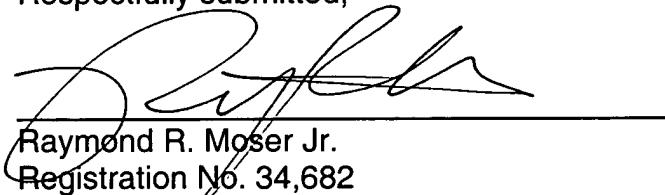
Since Norrell et al. fails to specifically teach "adjusting the amplitudes of the bandedges of said broadband signal in response to a control signal such that the amplitudes of the bandedges are made equal", as recited in claim 1 of Appellant's invention, the Appellant respectfully submits that independent claim 1 is not anticipated by the teachings of Norrell and, as such, fully satisfies the requirements of 35 U.S.C. § 102 is patentable thereunder. The remaining appealed claims include similar limitations.

Conclusion

Thus, the Appellants submits that none of the claims presently in the application are obvious under the provisions of 35 U.S.C. § 102. Consequently, the Appellants believes all these claims are presently in condition for allowance.

For the reasons advanced above, Appellants respectfully urge that the rejections of claims 1-38 as being obvious under 35 U.S.C. §102 are improper. Reversal of the rejections of the Final Office Action is respectfully requested.

Respectfully submitted,



2-22-05
Date

Raymond R. Moser Jr.
Registration No. 34,682
MOSER, PATTERSON & SHERIDAN, L.L.P.
595 Shrewsbury Ave. Suite 100
Shrewsbury, NJ 07702
Telephone: (732) 530-9404
Facsimile: (732) 530-9808
Attorney for Applicant(s)